The severall 53

ORDINANCES AND ORDERS OF THE LORDS and COMMONS Assembled in PARLIAMENT: Concerning

The Court Martiall.

Together with such of the Lord Generals Articles of War, unto which the said Ordinances do refer.

With the names of such Commissioners as are appointed for the Execution thereof.

Die 15. Octob. 1644.

ORdered by the Lords and Commons in Parliament assembled, That these Ordinances and Orders of Martiall Law be printed, and forthwith published by sound of Trumpet and beat of Drum, thorowout the Cities of London, Westminster, and Lines of Communication.

Joh. Brown Cler. Parliamentorum.

London printed for *John Wright* in the old Bayley.
1644.

Die Veneris 16. Aug. 1644.

An Ordinance of the Lords and Commons assembled in Parliament, for execution of Martiall Law, to continue for the space of foure moneths.

BE it Ordained by the Lords and Commons assembled in Parliament, and by Authority of the same, That Robert Earle of Essex, Captaine Generall of the Forces raised by the Authority of Parliament, Algernon Earle of Northumberland, Henry Earle of Kent, Philip Earle of Pembroke, William Earle of Salisbury, Oliver Earle of Bullingbrook, Edward Earle of Manchester, Basil Earle of Denbigh, William Lord Viscount Say and Seale, Philip Lord Wharton, Dudley Lord North, William Lord Grey of Werk, Iohn Lord Roberts, Philip Lord Lisle, Sir William Waller, Sir Arthur Haslerig, Sir Iohn Corbet, Sir Iohn Bamfield, Sir Henry

ry Heyman, Colonell Alexander Popham, Colonell Stapeley, Colonell Whitehead, Col. Morley, Col. Purefoy, Col. Ven, Edward Baynton Esquire, Col. William Iephson, Colonell Alexander Rigby, Thomas Arundell Esquire, Serieant Maior Generall Skippon, Sir Nathaniel Brent, Doctor Thomas Eden, Iohn Bradshaw Esquire, William Steele Esquire, Sir Iames Harrington, Colonell Brown, Colonell West, Colonell Charles Fleetwood, Col. William Strode, Col. Turner, Col. Manwaring, Col. Whitchcote, Col. Pyndar, Lieutenant Col. Welden, Lieutenant Col. Vnderwood, Lieutenant Col. Wilson, Maior Salloway, Maior Tichborn, Col. Humphrey, Col. Player, Col. Prince, Col. Harsnet, Maior Camfield, William Molins, Col. Owen, Lieutenant Col. Web, Lieutenant Col. Bradley, or any twelve or more of them, whereof such of the Members of either House of Parliament, as have Commissions and commands in any of the Armies or Garrisons, and Sir Nathaniel Brent alwaies to be Three, shall be Commissioners, and shall have full power and authority to hear and determine all such causes as belong to Military cognizance, according to the Articles in this present Ordinance mentioned; And to proceed to the Tryall, Condemnation, and execution of all offenders against the said Articles, and

to inflict upon the Offenders ſuch puniſhment, either by Death or otherwiſe corporally, as the ſaid Commiſſioners or the major part of them then preſent ſhall iudge to appertain to Juſtice, according to the nature of the Offence, and Articles here inſuing:

I. NO perſon or perſons whatſoever, ſhall from henceforth voluntarily repaire or go from the Cities of *London* and *Weſtminſter*, or from any other parts of the Kingdome, under the power of the Parliament, unto the perſon of the King or Queene, or Lords of the Counſell abiding with him, or her, or to any Commander or Officer of the Kings Army, or ſhall give or hold any Intelligence by Letters, Meſſages, or otherwiſe, with any in Armes againſt the Parliament, without conſent of both Houſes of Parliament, or the Committee appointed by Ordinance of Parliament, for managing the war, the Lord Generall of the forces raiſed by the two Houſes, or from the reſpective Officers that ſhall command in chiefe any of the ſaid forces, upon paine of death, or other Corporall puniſhment at diſcretion.

II. Whoſoever hath, or ſhall plot, contrive, or endeavour the betraying, ſurrendring, or yeelding up to the Enemy, or hath, or ſhall, contrary to the rules of Warre, ſurrender, yeeld up or betray any Cities, Towns,

Forts,

Forts, Magazines, or forces which now are, or hereafter ſhall be under the power of the *Parliament*, ſhall be puniſhed with death.

III. No perſon or perſons whatſoever not under the power of the Enemy, ſhall voluntarily relieve any perſon being in Armes againſt the *Parliament*, knowing him to have beene ſo in Armes, with any Money, Victuals, or Ammunition, upon paine of death or other corporall puniſhment at diſcretion, or ſhall voluntarily and knowingly harbour or receive any being in Armes as aforeſaid, upon paine of puniſhment at diſcretion.

IV. No Officer or Souldier ſhall make any mutinous Aſſemblies, or be aſſiſting thereunto, upon paine of death.

V. No Guardian or Officer of any priſon, ſhall wilfully ſuffer any priſoner of War to eſcape under paine of death, or negligently under paine of impriſonment, and further puniſhment at diſcretion.

VI. Whoſoever ſhall voluntarily take up Armes againſt the *Parliament*, having taken the Nationall Covenant, ſhall die without mercy.

VII. Whatſoever Officer or Commander, hath, or ſhall deſert their truſt, and adheare to the enemy, ſhall dye without mercy.

And it is hereby further Ordained by the Authority aforeſaid, that the ſaid Commiſſioners,

or any twelve or more of them, whereof such of the Members of either House of Parliament as have Commissions and Commands in any of the Armies or Garrisons, and Sir Nathaniel Brent, alwaies to be three, shall be authorized from time to time so often as they shall thinke fit, or shall be ordered thereunto by both or either House of Parliament, to sit in some convenient place within the cities of London, Westminster, or Lines of Communication, and to appoint a Judge Advocate, a Provost-Martiall, and all other Officers needfull. And it is hereby further Ordained, that all Maiors Sheriffs Justices of Peace, Constables, Bailiffes, and other Officers shall be aiding and assisting to the said Commissioners in the execution of the Premisses, and that the said Commissioners, and every of them, and all and every other person and persons, that shall be aiding and assisting to them in the execution of the Premisses, shall be saved harmlesse and indempnified for What they shall doe therein by authority of parliament, provided nevertheless that no Member of either Houses of parliament, or Assistants of the House of Peeres shall be questioned, or tryed before the Commissioners appointed by vertue of this present Ordinance, Without

assent

assent and leave first had and obtained of both Houses of Parliament.

And be it also provided that this present Ordinance, and the authority hereby given, and appointed to the persons hereby nominated, shall endure and have continuance for foure moneths from the making hereof.

Provided that this Ordinance for any offence hereafter to be committed shall not take place, or be of force untill eight daies after the publication hereof, any thing in this Ordinance to the contrary notwithstanding.

Die Iovis 29. August 1644.

WHereas by an Ordinance of the Lords and Commons in Parliament assembled, For the establishing of a Court Martiall; amongst other things, it is ordained, That the persons therein nominated, or any twelve or more of them, whereof such of the Members of either House of Parliament as have Commissions and Commands in any of the Armies or Garrisons, and Sir Nathaniel Brent alwayes to be three, shall be Commissioners.

Be it now Ordained, That the said Clause shall be amended and established in manner following: that is to say, That any twelve or more of the persons in the forementioned Ordinance named, whereof the Members of either House of Parliament and Sir Nathaniel Brent,

Brent, or three of them alwayes to be present, shall be Commissioners to doe all and every thing and things as in and by the said Ordinance is limited & appointed.

Die Lunæ, 16. Septemb. 1644.

REsolved by the Lords and Commons in Parliament assembled, That one of the Articles for the Commissioners of Martiall-law shall be, to have power, and are hereby authorised to proceed against such Officers and Souldiers as have departed, or shall depart from their Colours without leave, according to my Lord Generals Articles.

And further ordered, that the Committee for the Militia have notice of this Order, who are hereby entoyned to give directions to the severall Courts of Guards, to apprehend such of the said Officers and Souldiers as they come to the Courts of Guards. And this Order is to be printed and published.

ORdered and Declared by the Lords and Commons, That all Officers and Souldiers that are in & about the Cities of London and Westminster, and are under, or have command abroad, and doe not depart the same by Friday next, and goe to their severall Colours and Charges, shall be proceeded against by the Commissioners for Martiall-law, according to my Lord Generals Articles, who have power hereby to proceed against them accordingly, (excepting against such as are to attend by Order of Parliament.

The Committee of the Militia is hereby Ordered, to publish this Order forthwith upon beat of Drum.

Joh. Browne Cler. Parliamentorum.

Die

Die Sabbathi, 5. Octob. 1644.

IT is this day Ordered by the Lords and Commons in Parliament aſſembled, That all ſuch Officers as are in the pay of the Parliament, that are come from their Charge, and ſhall not quit the Towne by Tueſday next, and repaire to their reſpective Charges, unleſſe they be here by the leave of their Commander in chiefe, upon the place, or ſhall attend by any Order of Parliament, ſhall have their Pay checqued, and loſe their Arreares: and the reſpective Treaſurers and Commiſſioners are to take notice hereof, as they will anſwer the contrary.

ORdered by the Lords and Commons, That all ſuch Souldiers as are entertained, and in the pay of any Army raiſed by Authority of Parliament, that ſhall quit that Army, and take pay and entertainment in another Army, ſhall be puniſhed by death: and that all Officers that ſhall knowingly entertaine any Souldiers of another Army, ſhall be liable to ſuch puniſhment as the Commiſſioners for Martiall Law ſhall think fit. The Commiſſioners for Martiall Law are to take care of the execution of this Order.

Joh. Brown Cler. Parliamentorum.

Die Sabbathi, 12. *Octob.* 1644.

IT is this day Ordered by the Lords and Commons in Parliament aſſembled, That it be referred to the Commiſsioners of Martiall Affaires, to take notice of ſuch Commanders and Souldiers of the City Brigade, now upon advance, as ſhall not forthwith march to their Rendezvouz, being entred into the Pay and Entertainment of the State, and to proceed againſt them by Martiall Law, according to the Lord Generals Articles in that behalfe. It is further Ordered, that the Committee of the MILITIA be acquainted with this Order, and that they take their care that the Commanders and Souldiers do forthwith march to their Rendezvouz.

Joh. Brown Cler. Parliamentorum.

The

The Lord GENERALLS Articles of Warre, unto which the afore-mentioned Ordinances do referre: viz.

I.

NO Souldier ſhall depart from his Captain, nor Servant from his Maſter, without licenſe, though he ſerve ſtill in the Army, upon pain of death.

II.

No man ſhall depart a mile out of the Army or Camp without licenſe, upon paine of death.

III.

No man ſhall faile wilfully to come to the Rendevouz or Garriſon appointed him by the Lord Generall, upon pain of death.

IV.

No man that is enrolled, ſhall depart from the Army or Garriſon, or from his Colours, without Licenſe, upon paine of death.

V.

A Captain, or Officer, non-reſident in the place aſſigned him for Garriſon, without licenſe, ſhall have one Moneths pay defaulted for the firſt Offence, and two Moneths for the ſecond: upon the third Offence he ſhall be diſcharged of his Command.

Die Martis, 15. *Octob.* 1644.

IT is this day Ordered by the Lords and Commons in Parliament Aſſembled, That the ſeverall Ordinances of the 16. and 29. of Auguſt laſt, for the eſtabliſhing of a Court Martiall, and of the 16. of September laſt, and 5. and 12. of this inſtant October, inlarging the power of the Commiſſioners in ſuch ſort as is therein mentioned; as alſo ſuch of the Lord Generalls Articles of Warre touching Officers and Souldiers, whereto the ſaid Ordinance of the 16. of September doth refere, ſhall be forthwith publiſhed by Sound of Trumpet, and Beat of Drum, and diſtinctly and audibly read in ſuch ſeverall places within the Cities of London and Weſtminſter, and Lines of Communication, as the Commiſſioners for Martiall Law ſhall think fit, who are to take care of the Execution of this Order: And all Officers, and Souldiers, and all other Perſons whom the ſaid Lawes and Ordinances doe or may in any wiſe concerne are hereby ſtrictly injoyned and required to take notice of them, for the avoiding of the Offences and Penalties therein contained, as they love themſelves, and at their utmoſt perills.

And it is Ordered, that this preſent Ordinance, and the other of the 29. of Auguſt, and 16. of September, herein mentioned, ſhall be forthwith printed and publiſhed.

Joh. Brown Cler. Parliamentorum.

FINIS.